

In re: Holland et al.
Serial No.: 10/624,155
Filed: July 21, 2003
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In the Claims:

1. (Currently Amended) A writing instrument, comprising:
an elongated first barrel portion that comprises an open first end through which a writing element is extendable, and an opposite open second end;
a transparent, hollow second barrel portion that comprises an open third end and an opposite fourth end, ~~and~~ wherein the third end is secured within the second end of the first barrel portion, and wherein the third end has an annular rim, an internal surface and an external surface;
a fluid disposed within the hollow second barrel portion; and
a plug disposed within the third end, wherein the plug prevents the fluid from escaping from the hollow second barrel portion, wherein the plug comprises a shank and a head portion connected to the shank, wherein the head portion extends radially outward from the shank to define a circumferential shoulder, wherein the shank is disposed within the third end and the shoulder is in contacting relationship with the annular rim, and wherein the head portion tapers radially inward such that the head portion does not contact an inside surface of the first barrel portion second end and such that flexure of the first and second barrel portions relative to one another does not cause the head portion to contact the inside surface of the first barrel portion second end.
2. (Cancelled)
3. (Original) The writing instrument of Claim 1, wherein the third end is adhesively secured within the second end.
4. (Original) The writing instrument of Claim 1, wherein the third end is threadingly secured within the second end.
5. (Original) The writing instrument of Claim 1, wherein the second barrel portion and plug each comprise polymeric material and wherein the plug is sonically welded to the third end.

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6. (Original) The writing instrument of Claim 1, wherein the fluid is translucent, and further comprising at least one object disposed within the hollow second barrel portion, wherein the at least one object is configured to move through the translucent fluid when the writing instrument is inverted relative to horizontal, and wherein movement of the at least one object is viewable through the transparent second barrel portion.

7. (Original) The writing instrument of Claim 6, wherein the at least one object is configured to be buoyant within the fluid.

8. (Original) The writing instrument of Claim 6, wherein the at least one object comprises promotional indicia thereon.

9. (Original) The writing instrument of Claim 1, further comprising a second fluid disposed within the hollow second barrel portion, and wherein the two fluids are insoluble in each other.

10. (Original) The writing instrument of Claim 1, further comprising a light configured to illuminate the fluid within the hollow second barrel portion.

11. (Original) The writing instrument of Claim 10, wherein the light is disposed within the first barrel portion second end.

12. (Original) The writing instrument of Claim 10, further comprising:
a power source; and
a switch in communication with the light and power source, wherein the switch is responsive to user activation for switching the light on and off.

13. (Currently Amended) A writing instrument, comprising:

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an elongated first barrel portion that comprises an open first end through which a writing element is extendable, and an opposite open second end;

a transparent, hollow second barrel portion that comprises an open third end and an opposite fourth end, and wherein the third end is secured within the second end of the first barrel portion, and wherein the third end has an annular rim, an internal surface and an external surface;

a translucent fluid disposed within the hollow second barrel portion;

at least one object disposed within the hollow second barrel portion, wherein the at least one object is configured to move through the translucent fluid when the writing instrument is inverted relative to horizontal, and wherein movement of the at least one object within the fluid is viewable through the transparent second barrel portion;

a plug disposed within the third end, wherein the plug prevents the fluid from escaping from the hollow second barrel portion, wherein the plug comprises a shank and a head portion connected to the shank, wherein the head portion extends radially outward from the shank to define a circumferential shoulder, wherein the shank is disposed within the third end and the shoulder is in contacting relationship with the annular rim, and wherein the head portion tapers radially inward such that the head portion does not contact an inside surface of the first barrel portion second end and such that flexure of the first and second barrel portions relative to one another does not cause the head portion to contact the inside surface of the first barrel portion second end; and

a light configured to illuminate the fluid within the hollow second barrel portion.

14. (Cancelled)

15. (Original) The writing instrument of Claim 13, wherein the at least one object is configured to be buoyant within the fluid.

16. (Original) The writing instrument of Claim 13, wherein the at least one object comprises promotional indicia thereon.

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17. (Original) The writing instrument of Claim 13, further comprising a second fluid disposed within the hollow second barrel portion, and wherein the two fluids are insoluble in each other.

18. (Original) The writing instrument of Claim 13, wherein the light is disposed within the first barrel portion second end.

19. (Original) The writing instrument of Claim 13, further comprising:
a power source; and
a switch in communication with the light and power source, wherein the switch is responsive to user activation for switching the light on and off.

20. (Currently Amended) A writing instrument, comprising:
an elongated first barrel portion that comprises an open first end through which a writing element is extendable, and an opposite open second end;
a transparent, hollow second barrel portion that comprises an open third end and an opposite fourth end, and wherein the third end is secured within the second end of the first barrel portion, and wherein the third end has an annular rim, an internal surface and an external surface;
a translucent fluid disposed within the hollow second barrel portion;
a plug disposed within the third end, wherein the plug comprises a shank and a head portion connected to the shank, wherein the head portion extends radially outward from the shank to define a circumferential shoulder, wherein the shank is disposed within the third end and the shoulder is in contacting relationship with the annular rim, and wherein the head portion tapers radially inward such that the head portion does not contact an inside surface of the first barrel portion second end and such that flexure of the first and second barrel portions relative to one another does not cause the head portion to contact the inside surface of the first barrel portion second end;

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a light configured to illuminate the fluid within the hollow second barrel portion, wherein the light is disposed within the first barrel portion second end;
a power source; and
a switch in communication with the light and power source, wherein the switch is responsive to user activation for switching the light on and off.

21. (Cancelled)

22. (Original) The writing instrument of Claim 20, wherein the second barrel portion and plug each comprise polymeric material and wherein the plug is sonically welded to the third end.

23. (Original) The writing instrument of Claim 20, wherein the fluid is translucent, and further comprising at least one object disposed within the hollow second barrel portion, wherein the at least one object is configured to move through the translucent fluid when the writing instrument is inverted relative to horizontal, and wherein movement of the at least one object is viewable through the transparent second barrel portion.

24. (Original) The writing instrument of Claim 20, wherein the at least one object is configured to be buoyant within the fluid.

25. (Original) The writing instrument of Claim 23, wherein the at least one object comprises promotional indicia thereon.

26. (Original) The writing instrument of Claim 20, further comprising a second fluid disposed within the hollow second barrel portion, and wherein the two fluids are insoluble in each other.